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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,095	09/16/2003	Emir Gurur	006601P042D2	3729

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EXAMINER

LE, HOA VAN

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/664,095	<b>Applicant(s)</b> GURER ET AL.	
	<b>Examiner</b> Hoa V. Le	<b>Art Unit</b> 1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 44-51 is/are pending in the application.
- 4a) Of the above claim(s) 8-12 and 46-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 44 and 45 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☒ Claim(s) 8-12 and 46-51 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

This is in response to Papers filed on 26 March and 27 April 2006.

I. Correction: In the Office action mailed on 18 April 2006, under B. III.

“Claims 8-12 and 46-48” is corrected to ---Claims 49-51---.

II. Applicants elect the invention of Group I, claims 1-7 and 44-45 without traverse being acknowledged.

III. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3-6 and 44-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3 and 4 of U.S. Patent No. 6,746,826. Although the conflicting claims are not identical, they

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are not patentably distinct from each other because the applied claimed embodiments include those in the instant claims with respect to the steps of dispensing first developer, dwelling development, dispensing additional developer, dispensing an inert material (deionized water). The language "wafer" in the claims is broadly directed to "microelectronic structure" on col.1:9-16 and 4:56-63 such as a conventional semiconductor wafer substrate. Applicants may show, provide or urge otherwise to limit the claim language. The process being carrying out to prevent a precipitation to improve on yield and line width on col.1:56-65. For the newly added embodiments, please further see col.3:40-41, 6:25, 10:61.

Applicant's arguments filed 26 March 2006 have been fully considered but they are not persuasive.

Applicants and their counsel state that there no relationship with respect the newly added embodiment of developer being applied at plural locations on a treatment surface. There is a use of multiple small nozzles for a reasonable expectation of obtaining even and fine distribution or disbursement of treatment liquid with low impinging force on a surface treatment. An allowed claims or a patent would have no value if someone later show or provide one of their relationships as set forth on the record.

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al (5,897,982) considered in view of Sakai et al (5,853,961), Inada et al (5,625,433) and/or Fukuda (4,564,280).

Shibata et al disclose, teach and suggest a method for obtaining a polymer image on semiconductor substrate comprising the steps of dispensing a developer, dwelling (puddling) development and (dispensing additional developer and rising deionized water at the same time) to obtain little to no precipitation. Please see the whole disclosure of each of the applied references, especially in Shibata et al at figures 1(a-e), 4, 5 and 6 and their descriptions, col.1:11-19, 3:19 to 4:62, claims 1, 5, 7, 8, 9, 11, 12, 14, 15, 16, 17, 19, 20 and 21.

Shibata et al do not specify a spinning in at an angle. Sakai et al at figures 2, 4, 5, 8 and 12 and their descriptions, col.2:51-52, 6:19-20 and 7:34-35 are cited to show the known use of the angular spinning to spin out a liquid on the substrate

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surface with an addition of a gravity force for an advantage of fast removing fluid on a treating surface.

For the newly added embodiments, (1) it is known to use multiple small nozzles for applying fluid treatment to more than one location on a surface treatment in the art. Evidence can be seen in at least in Inada et al at figure 10 and its descriptions, col.8:19-24, 44-45 and/or Fukuda at figures 1-2 and their descriptions, col.1:32-38 and 2:31-32.

Since the above references are all related to processes for processing exposed photopolymer images, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use or cite the use of an angular spinning step for a reasonable expectation of spinning out a liquid on a substrate surface with an addition of a gravity force as disclosed, taught and suggested in Sakai et al and use or cite multiple small nozzles for a reasonable expectation of obtaining even and fine distribution or disbursement of treatment liquid with low impinging force on a surface treatment as disclosed, taught and suggested in Inada et al and/or Fukuda.

V. Applicant's arguments filed 26 March 2006 have been fully considered but they are not persuasive.

For the newly added embodiments in the elected invention of claims 1-7 and 44-45, please see Inada et al at figure 10 and its descriptions, col.8:19-24, 44-45 and/or Fukuda at figures 1-2 and their descriptions, col.1:32-38 and 2:31-32.

The record show that the secondary reference with respect to Sakai is not applied for the teachings the embodiments being already disclosed, taught or suggested in the primary reference.

VI. Semba (5,854,953) is cited to shoe the state of the art.

VII. Claim 7 is objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

VIII. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

IX. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332. The examiner can normally be reached from 6:00 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for



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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see [http://pair-](http://pair-direct.uspto.gov)

[direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le  
Primary Examiner  
Art Unit 1752

HVL  
10 May 2005

HOA VAN LE  
PRIMARY EXAMINER  
